

for the Socialists replied that he might consider making the request.

At the conclusion of his testimony Mayor Lunn, in reply to a question by Mr. Stedman, said that while his antagonism to the attitude of the New York City Bar Association as expressed by Charles E. Hughes and others.

#### Lunn Gives Statement.

Later Mr. Lunn issued a formal statement of his position.

"My antagonism to the Socialist party and its un-American tactics," he said, "does not blind me to the fact that the proceeding initiated by Speaker Sweet was not only arbitrary but violative of the fundamental principles of constitutional government."

"This is a time when we must think clearly and consistently. Faith in our institutions, even legislators to do violence to the principles of our institutions. We must deal resolutely with any who are genuine enemies of this democracy and who may pervert the law to their own ends."

"But in our eagerness to accomplish this result we should be equally determined that the processes for the expression of opinion, however critical, should not be destroyed. The tyranny of the many over the few is no less baneful than the tyranny of a group over a mass of men."

"Many of the indictments brought against our industrial order by the Socialists are true, but their method for improvement is hopelessly muddled. It seems to me, therefore, that agitation against privilege is best met by removing the cause of the grievance."

#### Fight to Bar Letter.

Much time at the opening of the morning session was devoted to arguments by Mr. Stedman in support of a motion to strike from the record the letter from Assemblyman Waldman, a district Socialist organization sending greetings to Mr. Martens; and the speaker by Alexander Trachtenberg, president of the Socialist meeting where Waldman spoke in favor of the Lenin and Trotsky doctrines. He argued that they had no direct bearing on the case of the five suspended Socialists.

Counsel for the committee, however, contended that the letter was absolute proof of connection and sympathy between the Waldman district Socialist and Martens, and insisted that the Trachtenberg speech, outlining the Lenin and Trotsky program, was foundation for the Waldman speech in which he accepted the Lenin and Trotsky leadership.

The motion finally was denied and the hearing went on after Attorney-General Newton announced that Martin Conboy, who was director of the draft in New York city, had joined the committee's counsel.

Anna Stern, secretary of the Bronx County Socialist organization, testified that last July there were about 1,200 dues paying members of the organization. She insisted she did not know how many votes were cast on the Socialist ticket last November.

Miss Stern also testified about giving the number of dues paying Socialists in the Assembly districts of Assemblymen Orr and DeWitt, but promised to get them from her card index.

Julius Gerber, secretary of the New York Socialist local, testified that 50,000 copies of the manifesto of the national Socialist party adopted in Chicago were circulated in Kings, 100,000 in New York and 50,000 in The Bronx. Mr. Stanchfield read into the record that part declaring that "We, the organized Socialists of America, pledge our support to the revolutionary workers of Russia," and compared it with the supposed copy in the roll, which stated that "We pledge our solidarity with the revolutionary workers of Russia."

#### Few Dues Paying Members.

Mr. Gerber said he did not know how many dues paying members of the party there are in Assemblyman Solomon's district in Kings. He estimated, however, that there are about 150 dues paying Socialists in Mr. Waldman's district, and that he received more than 5,000 votes with a couple hundred less than that cast for his opponent. Mr. Claessens received more than 6,000 votes to about 4,000 for his opponent, Mr. Gerber said, although there are only between 200 and 300 dues paying Socialists in that district.

Cross examined by Mr. Stedman Gerber said that there were two conventions in Chicago at the same time last fall. The Socialist party, he said, met on the second floor of a building, while down stairs the left wing members met and organized the Communist Labor party.

Mr. Stedman attempted to show that there were no fraternal delegates between these two conventions and that the Communist put a candidate in the field against Assemblyman Waldman.

Mr. Stanchfield then read into the record a signed appeal by Morris Hillquit printed in The Call of September 23 last after the split in the Socialist party, in which he urged that "we are all Socialists and the split need not weaken the movement." Hillquit also asserted that there was no difference "in principle between the parties, the only difference being 'in policy.' He predicted that the Communist party would join with the Socialists when the time comes."

"The quarrel is a family quarrel and has no place in the capitalist press," Mr. Hillquit wrote in criticism of some Socialists who issued statements about the split. "Let us centre our whole fight on capitalism and hope our Communist brother will do likewise."

#### Mayor Lunn Takes Stand.

Mayor Lunn was called at this point. He testified that he became a member of the Socialist party in 1910 or 1911 and was nominated for Mayor on the Socialist ticket in 1911 and elected.

"That was quite a strenuous campaign," queried Mr. Stanchfield.

"As I recall, very strenuous," returned Mr. Lunn.

"You had become regularly affiliated with the Socialist party?"

"Yes."

Mayor Lunn testified that he knew who were looked upon as leaders of the Socialist party in Schenectady, and testified that on the night before election "they for the first time presented a blank resignation, which aroused my ire, but I was either to sign it or there would be a squabble next day. I considered it illegal, but nevertheless I did sign it, in 1911, once only."

Mayor Lunn named Charles Noonan and Russell Hunt as the two men who brought him the resignation. He could not remember the exact wording of the resignation, but said the "import of it was that unless the mandates of the party were carried out the resignation could be sent in to the common council."

The blank resignation in the Socialist constitution was identified by Mayor Lunn as similar to that which he signed.

Testimony that he was renominated by the Socialists in 1912 was offered by Mayor Lunn, and he said he refused to sign the resignation this time and was defeated.

"I felt I was defeated in large measure because of that fact," he continued. "The people know that under the Socialist party an elected official was supposed to be under the control of the

local rather than responsive directly to the whole population, as he should be."

Continuing his story of relations with the Socialists Mayor Lunn said:

#### Objected to Dictation.

"In 1912, in order that there might be no possible misunderstanding before I was nominated I came out with a clear statement, and repudiated that section of the constitution. I said that I would not stand for it, and that I wanted them to know it before they nominated me and not accuse me of receiving a nomination under a misapprehension. This caused a great furor. Members of the State committee came to Schenectady, endeavoring to heal up the differences. They could not be healed up, and on the night that I received in the unofficial convention the nomination for Mayor I stated:

"Before the nomination is made, understand thoroughly that I will be Mayor. I will not be dictated to by the local. I will not acknowledge that part of the constitution and so forth and so on."

"With bitter opposition I was, nevertheless, nominated and elected, but in spite of the fact that I had repudiated that particular part of the constitution, my appointments there was evidently the intention and determination to influence me far more than I was willing to be influenced."

"I retained as Superintendent of Water a very efficient engineer who was a Republican. This was very antagonistic to the Socialist local. I appointed a Socialist who was enrolled but not a member of the dues paying organization. To make a long story short, this was violently opposed and they threatened discipline, and I don't know whether they were ordered to discipline me from the Socialist meeting or whether they charged against me of violating the constitution, violating that part which I had repudiated before nomination. That being done, I was called to New York."

"The committee was willing to pass over the appointment of the engineer to the Water Department, but they wanted me to discharge an enrolled Socialist who was not a dues paying member for the reason that the local claimed that he had voted for others than the Socialist nominee in certain particulars; that he had not voted for the Socialist candidate for Assembly and they wanted him discharged."

#### Refused to Discharge Man.

"I refused to discharge him and the discipline was attempted in the way of throwing me out of the organization, but they could not get the necessary two-thirds vote, so the New York organization, in order to discipline me, took away the charter from Local Schenectady contingent out and reorganized with those that would abide by the rules as regards control."

Under cross-examination by Mr. Stedman, Mayor Lunn declared that he considered this proceeding against the suspended Assemblymen at variance with Constitutional fundamentals.

"Have you expressed an opinion on this proceeding?" asked the Socialist attorney.

"I have. I am opposed to it," answered Mr. Lunn.

"Although my antagonism to Socialism is very great I consider this proceeding not in accordance with constitutional fundamentals."

During his cross-examination Mayor Lunn hit at the Socialist regulations by which Socialist party members in public office are required to follow the dictates outlined in a majority vote of their branches. After Mr. Stanchfield had noted that minors and aliens are eligible for membership in the Socialist party, consequently having a voice in giving orders to members in public office, the committee attorney sought to obtain the Mayor's views on this point.

"I consider an undemocratic and unwarranted to have mandates given to public officials when the influence of non-citizens might, in a close vote of 49 to 51, determine the matter," said Mayor Lunn.

In reply to another question by Mr. Stanchfield the witness said he would object to such dictation "even if all the members were citizens."

"Is not the moral obligation to follow suggestions by the Democratic party just as strong as that put in writing by the Socialist party?" asked Mr. Stedman.

"I have found," answered Mr. Lunn, "that they make their moral suasion as efficient as possible in their effort to land their man."

"But the Democrats only requested appointment while the Socialists demanded it as a right, is that correct?"

"Yes," answered Mr. Lunn.

Mayor Lunn said that he endeavored to have the "resignation" clause in the Socialist constitution changed at the Rochester convention of 1914 but was defeated.

"I thought then and I think now that it is a bad," he added. "Did the Democratic party ever ask you to sign any resignation in case you didn't do the party's bidding?" asked Chairman Martin of the Judiciary Committee.

"No," replied Mr. Lunn.

Mr. Stedman brought out that Mr. Lunn had non-Socialists in his administration when elected on the Socialist ticket. Specifying certain of those appointments, the attorney showed that these non-member appointments were not opposed by the party.

"None of the requests to you were from corrupt motives, were they?" asked the cross-examiner.

"I am sure they were not," answered Mayor Lunn.

"POOR RICH BOY" CLAIMS END.

Lawyer Gets Last of the \$100,000 From Lee Estate.

The last of the legal claims, aggregating more than \$100,000, against the estate of William Lee, the "poor little rich boy," was settled yesterday when Surrogate George A. Slater of Westchester county signed an order giving an allowance of \$3,594.25 to John Lindsey, a New York lawyer.

Litigation involving the guardianship of the lad, heir to \$2,000,000, continued for four years.

\$100 A WEEK FOR MECHANICS.

Union Says Delaware Concerns Seek Canadian Workers.

Toronto, Ont., Jan. 28.—Shipbuilding companies in the Delaware River district of the United States are offering Canadian mechanics \$100 a week in the hope of making good the shortage of labor which exists in their yards, according to Herbert Lewis, secretary of the local union, International Association of Machinists.

A letter containing this offer came from union officials in Baltimore, Secretary Lewis said.

Bill Bars Immoral Films.

WASHINGTON, Jan. 28.—Immoral motion picture films would be barred from transportation in interstate commerce under a bill passed today by the House and sent to the Senate.

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## GOMPERS SAYS REDS ARE LABOR'S ENEMY

Condemns Bolshevism "Completely, Finally and for All Time."

### NO NEED TO WAIT LONGER

We Now "Know Piteous Story of Cruelty and Intolerance."

WASHINGTON, Jan. 28.—Writing in the current number of the *Federalist*, official organ of the American Federation of Labor, Samuel Gompers condemns Bolshevism "completely, finally and for all time."

The American labor leader declares he doubts whether the propaganda which emanates from the Bolshevik organization itself is more effective than that "conducted by those who claim to be entirely detached from Russian influence and Russian payrolls." He says he doubts whether publications issued by Russian Bolshevik agents have as great an effect in America as those "which like to be known as 'journals of opinion,' such as the *Nation*, the *Dial* and the *New Republic*."

Mr. Gompers makes an extended reference to the argument that the American people know little about what is going on in Russia and the argument that it is unfair and untrue to pass judgment.

"It is not necessary," says Mr. Gompers, "for Americans to know at all times just what were the exact conditions in Germany before passing judgment on the form of government existing in Germany. It was necessary to know only what the form of government was and under what rules it operated. We do not have to wait for information about the form of government existing in what is called Soviet Russia. All the information necessary to the passing of judgment on Bolshevism and the system of government and as a state of society is at hand from sources that are authentic."

Only an Excuse.

"The plea of those misguided persons in America who say 'We are not yet ready to pass judgment,' is nothing more than an excuse which it is hoped will gain time for the Russian experiment and enable it to spread to other countries."

Quoting from the new Bolshevik constitution Mr. Gompers points out that while the fifth Pan Russian Congress declares for a dictatorship of the proletariat and the poorest peasantry, a great portion of the peasantry is disfranchised and the largest Bolshevik estimate of the proletariat calculated them as only one-fifth of the number of peasants. Even a free press and a working man by this constitution, Mr. Gompers says, is not a proletarian. Bolshevik statistics, he says, show that the Bolshevik minority does not even represent the masses of factory workers in Moscow, the Bolshevik stronghold.

Quoting from Bolshevik official documents to show the extent of mass terror by the Bolsheviks, Mr. Gompers declared that "the economic condition in internal Russia at the present time has absolutely nothing to do with the merits or demerits of the Bolshevik philosophy of government," and adds "that it should have no influence in determining the judgment of any person upon it as such."

He quotes as the most direct information a despatch from Russian trade unionists to W. A. Appleton, president of the International Federation of Trade Unions, which declares that Bolsheviks have split up the reserve funds of trade unions, shot the workers, killed labor organizations, split up trades unions as a class, and put down strikes by "force of arms and plentiful executions."

"In all concepts of freedom within the American nation," says Mr. Gompers, "one fundamental principle is that any involuntary servitude—that is, compulsory labor—shall not be enforced upon the working people." He quotes the amendment to the Federal Constitution, and adds:

"That conception and the spirit of that amendment have been entirely reversed by the constitution of the Russian Republic, which provides for and enforces compulsory labor. . . . The plea to withhold judgment is a last desperate attempt to win favor from the American people for a system of government based on the confession of its own advocates and defenders is foreign to every concept of the American Republic. We know about Russia, we know about Bolshevism. We know the piteous story of cruelty and intolerance and we know the autocratic concept that underlies the minority dictatorship which is hailed to the world by its dupes and advocates as the most perfect state of society yet devised. We know about it and we condemn it completely, finally and for all time."

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## WOMAN DEFAULTER GETS YEAR

"Lure of Luxury" Responsible for Bank Clerk's Flight.

EAST GREENWICH, R. I., Jan. 28.—May Young, former confidential clerk of the Union Trust Company, whose defaultations amounted to \$5,500 when she disappeared last August, was sentenced today to imprisonment in the Kent county jail for one year. She pleaded nolo contendere to two indictments for embezzlement.

The lure of luxury, the court remarked, was responsible for the flight of the young woman. Counsel in asking for leniency said that she surrendered and was willing to pay the penalty.

## SOCIALISTS MILD AT PROTEST MEETING

Continued from First Page.

The fact is, there was a good deal more of Republicanism and of Democracy than there was of Socialism. John E. Milholland, chairman of the meeting at the invitation of the Socialist Committee of Seventeen, who got up and ran the party of protest, didn't miss his opportunity to make a regular old fashioned Republican speech in capsule, and ex-Senator Thomas W. Hardwick of Georgia hit the ton-ton a few bangs for the party of the mule when his turn came.

Only Louis Waldman, one of the ousted five now on trial at Albany, had a chance to make a Socialist speech, and though he grabbed it, the Socialist bawling average was only 333 in their own meeting.

Mr. Milholland started things by saying straight out that he was a Republican of the old fashioned kind; that he was born one and that he hoped to die one; but he had made up his mind that if the Republican party stood for the kind of thing that was being attempted at Albany in the effort to expel law makers elected by the people, then he would quit the old party at sundown to-night. However, he was sure that the party did not stand for what Speaker Sweet and his associates have set out to do.

Ex-Senator Hardwick of Georgia boiled his speech down to the statement that if this country is going to turn its back on free speech, a free press and the right of free assemblage it might as well go out of business.

Then he said a few kind words for the Democratic party (with a wink and a smile for Milholland), ending with: "I know my party has had some pretty bad leadership for the last few years, but we are going to get rid of that very soon and then we will see big things."

The biggest applause of the meeting sprang up for Louis Waldman, one of the elected five, when he stepped forward. He declined to discuss the trial but he paid his compliments to Speaker Sweet thus:

"The speaker has violated every rule of decency and fair play, of justice and right. He has determined to be prosecutor, jury, judge and executioner all in one. Well, he won't determine this matter, whatever the outcome may be, as regards us five. That will be settled by the people of this State and country."

"It is the idea of an ignoramus that Socialism can be stopped by ejecting five Socialist members from the State Assembly," said Waldman, and there was a flurry of boos for Speaker Sweet.

Between speeches a collection was taken up to help pay the expenses of the five defendants, and from the incessant jingling of silver and rattling of bills it appeared that a sizeable sum was obtained. At the end the audience adopted a resolution denouncing the action of the Assembly.

In A.D. 1826 NINETY FOUR Years AGO

The sky line of Manhattan, as seen from Weehawken in 1826. WEHAWK was then the favorite country place and dueling grounds for New Yorkers

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## CUMMINS ASKS AID IN RAIL PROBLEM

Ultimate Solution Is Combining Lines Into a Few Systems, He Says.

### AGAINST U. S. OWNERSHIP

Senator Sounds Warning and Urges Bar Association to Help With Prayers.

Either the strong railroads when they are returned to private control must divide their excess earnings with the weaker railroads or the whole transportation system will be driven into permanent Government ownership. Those are the alternatives as presented before the Bar Association last night by Albert B. Cummins, United States Senator from Iowa, chairman of the Senate Committee on Interstate Commerce and principal author of the bill which bears his name and which is now deadlocked with the House bill in conference committee.

He believed, he said, that the ultimate solution of the railroad problem would lie in consolidating the lines into a comparatively small number of systems, say twenty or twenty-five, each of which would earn approximately the same rate of return on the value of its property and which would be truly competitive with the other systems. But that, he said, could not be accomplished for at least ten years. Meanwhile, for the transition period, he thought that the makers elected by the people, then he would quit the old party at sundown to-night. However, he was sure that the party did not stand for what Speaker Sweet and his associates have set out to do.

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